

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 9

FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

WEDNESDAY, 26 MAY 2021

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

An Acknowledgement of Country and Prayers were read.

2. Petitions

Banning of farrowing and sow stalls in Western Australia – Ms L.L. Baker presented a petition from 796 people asking the Legislative Assembly to legislate a total ban on the use of farrowing crates and sow/gestation stalls in Western Australia (P. 3).

Replacing speedbumps with chicanes in the City of Gosnells – Mr T.J. Healy presented a petition from six people asking the Legislative Assembly to request the City of Gosnells to adopt the construction of chicanes instead of speed bumps to manage speed in the community (P. 4).

3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Tourism on his attendance at the Ord Valley Muster.

The Minister for Defence Industry on leading a delegation to attend the 2021 Land Forces International Land Defence Exposition in Brisbane.

The Minister for Citizenship and Multicultural Interests on the death of Mr Nick Agocs JP.

The Minister for Disability Services on the opening of nominations for the 2021 WA Disability Support Awards.

The Minister for Innovation and ICT on the official opening of the Curtin University 5G Laboratory.

The Minister for Emergency Services on Wear Orange Wednesday, recognising Western Australia's State Emergency Service volunteers.

4. Public Health Amendment (Safe Access Zones) Bill 2021

The Minister for Health, pursuant to notice, moved,

That a Bill for “An Act to amend the *Public Health Act 2016*.” be introduced and read a first time.

Question put and passed.

The Minister for Health presented an explanatory memorandum and bill read a first time.

The Minister for Health moved, That the bill be now read a second time.

Mr P.J. Rundle moved, That the debate be adjourned.

Question put and passed.

5. Administration Amendment Bill 2021

The Attorney General, pursuant to notice, moved,

That a Bill for “An Act to amend the *Administration Act 1903*.” be introduced and read a first time.

Question put and passed.

The Attorney General presented an explanatory memorandum and bill read a first time.

The Attorney General moved, That the bill be now read a second time.

Mr P.J. Rundle moved, That the debate be adjourned.

Question put and passed.

6. Transfer of Land Amendment Bill 2021

The Minister for Lands, pursuant to notice, moved,

That a Bill for “An Act to amend the *Transfer of Land Act 1893* to –

- provide greater flexibility in relation to the service of notices under the Act; and
- remove references to duplicate certificates of title; and
- make consequential and other amendments to various Acts, and for related purposes.” be introduced and read a first time.

Question put and passed.

The Minister for Lands presented an explanatory memorandum and bill read a first time.

The Minister for Lands moved, That the bill be now read a second time.

Mr P.J. Rundle moved, That the debate be adjourned.

Question put and passed.

7. Withdrawal of Notice of Motion

The Leader of the House withdrew Government Business Notice of Motion No. 1.

8. Supply Bill 2021

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Debate interrupted by the Chair (Mr P.C. Tinley speaking) and adjourned until a later stage of the sitting.

9. Questions

Questions without Notice were taken.

10. Additional Information

The Minister for Energy provided additional information relating to Question without Notice No. 135 from Mr R.S. Love.

11. Joint Standing Committee on Delegated Legislation

Message No. 1 dated 25 May 2021 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has passed the following resolution and invites the Legislative Assembly to concur with the resolution –

That the Legislative Assembly be invited to agree to the rules and orders of the Legislative Council contained in the schedule for the constitution, powers and procedure of a Joint Standing Committee on Delegated Legislation.

A copy of the proposed Standing Orders Clause 10 of Schedule 1 is attached.

SCHEDULE

10. Joint Delegated Legislation Committee

- 10.1 *A Joint Delegated Legislation Committee* is established.
- 10.2 The Committee consists of 8 Members, 4 of whom are appointed from each House. The Chair must be a Member of the Committee who supports the Government.
- 10.3 A quorum is 4 Members of whom at least one is a Member of the Council and one a Member of the Assembly.
- 10.4
 - (a) A report of the Committee is to be presented to each House by a Member of each House appointed for the purpose by the Committee.
 - (b) Where a notice of motion to disallow an instrument has been given in either House pursuant to recommendation of the Committee, the Committee shall present a report to both Houses in relation to that instrument prior to the House's consideration of that notice of motion. If the Committee is unable to report a majority position in regards to the instrument, the Committee shall report the contrary arguments.
- 10.5 Upon its publication, whether under section 41(1)(a) of the *Interpretation Act 1984* or another written law, an instrument stands referred to the Committee for consideration.
- 10.6 In its consideration of an instrument, the Committee is to inquire whether the instrument –
 - (a) is within power;
 - (b) has no unintended effect on any person's existing rights or interests;
 - (c) provides an effective mechanism for the review of administrative decisions; and
 - (d) contains only matter that is appropriate for subsidiary legislation.
- 10.7 It is also a function of the Committee to inquire into and report on –
 - (a) any proposed or existing template, *pro forma* or model local law;

- (b) any systemic issue identified in 2 or more instruments of subsidiary legislation; and
 - (c) the statutory and administrative procedures for the making of subsidiary legislation generally, but not so as to inquire into any specific proposed instrument of subsidiary legislation that has yet to be published.
- 10.8 The Standing Orders of the Legislative Council relating to Standing Committees will be followed as far as they can be applied.
- 10.9 In this order –
- “instrument” means –
 - (a) subsidiary legislation in the form in which, and with the content it has, when it is published;
 - (b) an instrument, not being subsidiary legislation, that is made subject to disallowance by either House under a written law;
- “subsidiary legislation” has the meaning given to it by section 5 of the *Interpretation Act 1984*.

Ordered, by leave, That Legislative Council Message No. 1 be considered in detail forthwith.

CONSIDERATION IN DETAIL

The Leader of the House moved,

- (1) That –
 - (a) the terms contained in Legislative Council Message No. 1 for the establishment of the Joint Standing Committee on Delegated Legislation be agreed to; and
 - (b) the members for South Perth, Scarborough, Churchlands and Nedlands be appointed as members of the Committee.
- (2) That the Legislative Council be acquainted accordingly.

Question put and passed.

12. Joint Standing Committee on Audit

Message No. 2 dated 25 May 2021 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has passed the following resolution and invites the Legislative Assembly to concur with the resolution –

That the Legislative Assembly be invited to agree to the rules and orders of the Legislative Council contained in the schedule for the constitution, powers and procedure of a Joint Standing Committee on Audit.

A copy of Standing Orders Clause 7 of Schedule 1 is attached.

SCHEDULE

7. Joint Audit Committee

7.1 A *Joint Audit Committee* is established.

7.2 The Committee consists of the Members of the Legislative Council Standing Committee on Estimates and Financial Operations and the Members of the Legislative Assembly Public Accounts Committee.

7.3 The Chair of the Standing Committee on Estimates and Financial Operations will be the Chair of the Joint Audit Committee.

7.4 The Standing Orders of the Legislative Council relating to Standing Committees will be followed as far as they can be applied.

Ordered, by leave, That Legislative Council Message No. 2 be considered in detail forthwith.

CONSIDERATION IN DETAIL

The Leader of the House moved,

That –

- (1) the terms contained in Legislative Council Message No. 2 for the establishment of the Joint Standing Committee on Audit be agreed to; and
- (2) the Legislative Council be acquainted accordingly.

Question put and passed.

13. Joint Standing Committee on the Corruption and Crime Commission

Message No. 3 dated 25 May 2021 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that in response to Legislative Assembly Message No. 4, the Legislative Council agrees to the Legislative Assembly's resolution and appoints the following Members to the Joint Standing Committee on the Corruption and Crime Commission —

- Hon Klara Andric; and
- Hon Dr Steve Thomas.

Ordered, by leave, That Legislative Council Message No. 3 be considered in detail forthwith.

CONSIDERATION IN DETAIL

The Leader of the House moved,

That the member for Moore and the member for Kalamunda be appointed as members of the Joint Standing Committee on the Corruption and Crime Commission and that the Legislative Council be acquainted accordingly.

Debate ensued.

Question put and passed.

14. Joint Standing Committee on the Commissioner for Children and Young People

Message No. 4 dated 25 May 2021 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that in response to Legislative Assembly Message No. 5, the Legislative Council agrees to the Legislative Assembly's resolution and appoints the following Members to the Joint Standing Committee on the Commissioner for Children and Young People —

- Hon Klara Andric; and
- Hon Neil Thomson.

Ordered, by leave, That Legislative Council Message No. 4 be considered in detail forthwith.

CONSIDERATION IN DETAIL

The Leader of the House moved,

That the member for Murray-Wellington and the member for Albany be appointed as members of the Joint Standing Committee on the Commissioner for Children and Young People and that the Legislative Council be acquainted accordingly.

Question put and passed.

15. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

16. Supply Bill 2021

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Debate interrupted by the Chair (Ms S.E. Winton speaking) and adjourned until a later stage of the sitting.

17. Variation to the Order of Business

Ordered, That Private Members' Business Notice of Motion No. 1 be next considered.

18. Minister for Health Leadership

Ms L. Mettam, pursuant to notice, moved,

That this House condemns the Minister for Health for his failure to deliver the required level of leadership and management across his current portfolios, resulting in a litany of failures that has and continues to place the lives of West Australians at risk, including:

- (1) Failure to address record ambulance ramping.
- (2) Failure to implement Malakai's Rule as promised in 2016.
- (3) Failure to build three Medihotels as promised in 2017.
- (4) Overseeing a series of failures in Western Australia's hotel quarantine system, culminating in the resignation of hotel quarantine chief Robyn Lawrence.
- (5) Presiding over cultural and resourcing issues at Perth Children's Hospital (PCH), culminating in the resignation of Children and Adolescent Health Service Chair Debbie Karasinski and attempted resignation of PCH chief, Dr Aresh Anwar.
- (6) Failure to secure proper resourcing for the WA health system more broadly; and
- (7) Failure to earn and maintain the respect and confidence of healthcare workers to properly lead and manage our important public health system.

Debate ensued.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

19. Adjournment

Ms E.L. Hamilton moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 7.00 pm until Thursday, 27 May 2021 at 9.00 am.

Members present during any part of the day's proceedings – All the members except Mr D.J. Kelly.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHELLE H. ROBERTS
Speaker of the Legislative Assembly